

Did claimant either injure his right knee in the January 10, 2000 work-related accident or develop right knee problems as a direct and natural consequence of the right ankle injury?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record compiled to date, the Board finds and concludes:

1. The preliminary hearing Order should be affirmed.
2. The parties agree that claimant injured his right ankle on January 10, 2000, while working for respondent. After seeing several doctors, claimant ultimately underwent right ankle surgery on September 29, 2000. Respondent and its insurance carrier do not contest responsibility for the right ankle injury but they do dispute responsibility for the right knee complaints, which claimant contends began shortly after the accident.
3. The Board finds and concludes that claimant has failed to prove that his present right knee complaints are related to his January 2000 work-related accident or the resulting right ankle injury. Claimant testified that he began having symptoms in the back of his right knee following the January 10, 2000 accident. The medical notes from Dr. Alok Shah dated May 10 and 22, 2000, which were introduced at the preliminary hearing, refer to intermittent posterior right knee symptoms. But other than those references, there is little, if any, medical evidence to link claimant's knee symptoms to the work-related accident. Presently, the record does not contain an opinion from any physician that relates the knee complaints to claimant's work-related accident or the resulting ankle injury.
4. As provided by the Workers Compensation Act, preliminary hearing findings are not final but subject to modification upon a full hearing of the claim.¹

WHEREFORE, the Board affirms the March 15, 2001 preliminary hearing Order entered by Judge Fuller.

IT IS SO ORDERED.

Dated this ____ day of May 2001.

BOARD MEMBER

¹ K.S.A. 44-534a(a)(2).

c: Chris A. Clements, Wichita, KS
James M. McVay, Great Bend, KS
Pamela J. Fuller, Administrative Law Judge
Philip S. Harness, Director